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| 10/670,753 | 09/25/2003 | Relja Ivanovic | MSFT120969 | 2813 |

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| ART UNIT | PAPER NUMBER |
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| 2179 | |

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/670,753 | IVANOVIC ET AL. |
| | Examiner | Art Unit | |
| | Tuyetlien T. Tran | 2179 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>*25 September 2003*</u>.

2a)☐ This action is **FINAL.**        2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date ⅗/15/04

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.      Claims 6-7, 13-25, 36 and 42-43 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within

the broad range or limitation (in the same claim) is considered indefinite, since the resulting

claim does not clearly set forth the metes and bounds of the patent protection desired. See

MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and

Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to

where broad language is followed by "such as" and then narrow language. The Board stated

that this can render a claim indefinite by raising a question or doubt as to whether the feature

introduced by such language is (a) merely exemplary of the remainder of the claim, and

therefore not required, or (b) a required feature of the claims. Note also, for example, the

decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38

(Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

As to claims 6 and 13, the phrases "such as" render the claims indefinite because it is

unclear whether the limitations following the phrases are part of the claimed invention. See

MPEP § 2173.05(d).

As to claims 7, 15, 21, 36 and 42, the phrases "may be" render the claims indefinite

because it is unclear whether the limitations following the phrase are part of the claimed

invention.  See MPEP § 2173.05(d).

Any claim not specifically addressed, above, is being rejected as incorporating the

deficiencies of a claim upon which it depends.

### Claim Rejections - 35 USC § 103

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains.  Patentability shall not be
> negatived by the manner in which the invention was made.

4.      Claims 1-5, 7-12, 14-16, 19-38 and 40-43 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Rush et al.  (Int'l Pub. No. WO 00/23874, hereinafter Rush) in view

of Ryan et al. (Patent No. 6,104,397, hereinafter Ryan).

As to claim 1, Rush teaches:

In a computer system with a display on which icons (see pp. 33, lines 5-8) that are

associated with nodes are provided and in which a user may select a node for expansion

(i.e., tree view control 60, see pp. 31, lines 2-3), a method for providing an indication (i.e.,

progress indicator, see pp. 33, line 29) to a user that the processing of the expansion of a

node is occurring (i.e., to provide informational feedback pertaining to the 'selected'

document or sub-document instance node in tree view, see pp. 33, line 31 and pp. 34, lines

1-2), the method comprising:

providing an icon (i.e., bar graph 35 as part of progress indicator, see pp. 34, line 3)

once a node is selected for expansion by a user (see pp. 33, lines 28-31 and pp. 34, lines 1-

2); and

moving the icon (i.e., the bar graph progresses from zero to one hundred per cent,

see pp. 8, lines 21-22) so as to provide an indication to the user that the processing of the

expansion of the node is occurring (see pp. 33, lines 28-31 and pp. 34, lines 1-2).

Rush does not teach that the progress indicator is an icon overlay neither does he

teach that moving the icon overlay between many position at selected time interval.

Ryan teaches:

providing an icon overlay (an animated spinning clock hand 58 superimposed on the

icon graphic 43, see col. 7, lines 49-56) once a node is selected (i.e., a button bar 22 is

clicked, see col. 6, line 20; it is noted that the button can be command button such as a node,

see col. 4, lines 60-64) by a user; and

moving the icon overlay (i.e., superimposed spinning clock hand 58, see col. 7, lines

49-56) between a plurality of positions (i.e., a plurality of different positions of clock hand, see

Fig. 4, items 45-56) at selected time intervals (predetermined interval, see col. 7, line 58) so

as to provide an indication to the user that the processing of the expansion of the node is

occurring (it is noted that the clock hand is moving circularly within the button icon to

indicated that a processing of an operation is occurring, see col. 7, lines 41-46).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have used the method of associating the command operation with the particular

progress indicator as taught by Ryan to the method of organizing information using a

hierarchical tree structure as taught by Rush to increase the efficiency of a computer system

by minimizing the risk that a user will sit idly waiting for the command to finish executing

when one could be using other computer functions concurrently (see Ryan col. 6, lines 35-

43).

As to claim 21, this claim differs from claim 1 only in that claim 21 is an apparatus

claim whereas, claim 1 is a method claim. Thus claim 21 is analyzed as previously discussed

with respect to claim 1 above.

As to claim 31, this claim contains all the limitations as discussed regarding claim 1.

Thus claim 31 is analyzed as previously discussed with respect to claim 1 above.

As to claim 8, this claim differs from claim 1 only in that claim 8 introduces an

additional limitation of a node being overlaid by a moving element.  Ryan teaches once a

user selects a node for expansion (i.e., a button bar 22 is clicked, see col. 6, line 20; it is

noted that the button can be command button such as a node, see col. 4, lines 60-64), the

icon that is associated with the node is overlaid (i.e., superimposed, see col. 7, liens 49-56)

by a moving element (an animated spinning clock hand 58 superimposed on the icon graphic

43, see col. 7, lines 49-56) which provides an indication to the user that processing is

occurring (it is noted that the clock hand is moving circularly within the button icon to

indicated that a processing of an operation is occurring, see col. 7, lines 41-46).  Thus,

combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 15, this claim differs from claim 1 only in that claim 15 introduces an additional limitation of a progress indicator being positioned over the icon of a node to be selected to be expanded. Ryan teaches providing an icon overlay (i.e., an animated spinning clock hand 58, see col. 7, lines 49-56) over the icon (i.e., superimposed, see col. 7, line 54) of a node that has been selected by a user to be expanded (i.e., the button that initiates the process, see col. 7, lines 45-46). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 26, this claim differs from claim 1 only in that claim 26 introduces an additional limitation of removing the icon overlay. Ryan teaches removing the icon overlay once the processing is completed (i.e., restoring the appearance of the progress indicator from the dynamic state - i.e., see item 45-56, Fig. 4 - to the first-state appearance – i.e., see item 42, Fig. 4 - when the computer has completed the operation, see col. 3, lines 13-16). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 37, this claim differs from claim 1 only in that claim 37 introduces an additional limitation of computer system comprising:

a timer component (i.e., the component that runs the spinning clock hand 58, see col. 7, lines 49-56); and

the processing indicator component (i.e., the component that controls the spinning

clock hand 58, see col. 7, lines 49-56) is moved (i.e., the movement of clock hand, see Fig. 4,

items 45-56) at specified interval (predetermined interval, see col. 7, line 58) as determined

by the timer component (i.e., the component that runs the spinning clock hand 58, see col. 7,

lines 49-56).

Thus, combining Rush and Ryan would meet the claimed limitation for the same

reason as discussed in claim 1.

As to claim 2, Rush in view of Ryan teaches the limitation of claim 1 for the reasons as

discussed above. Ryan further teaches wherein a timer (i.e., program that control the

animation of the clock hand at a predetermined interval, see col. 8, lines 43-48) controls the

moving of the icon overlay between the plurality of positions (i.e., a plurality of different

positions of clock hand, see Fig. 4, items 45-56). Thus, combining Rush and Ryan would

meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 3, Rush in view of Ryan teaches the limitation of claim 1 for the reasons as

discussed above. Rush further teaches wherein the user selects the node for expansion (see

pp. 32, lines 3-4) by selecting a plus-sign element ('+' sign element, see pp. 32, line 4) that is

associated with the icon for the node (i.e., '+' sign is appearing to the left of the node, see pp.

32, lines 4-5).

As to claim 4, Rush in view of Ryan teaches the limitation of claim 1 for the reasons as

discussed above. Rush further teaches wherein the node (see pp. 4, lines 27-28) is

represented as part of a tree view (a hierarchical tree structure of document and type nodes,

see pp. 31, lines 2-3) on the display (i.e., navigation pane 20 which is defined as an area

displayable on a computer screen, see pp. 8, lines 15-16 and pp. 31, lines 1-2).

As to claim 5, Rush in view of Ryan teaches the limitation of claim 1 for the reasons as

discussed above.  Rush further teaches wherein the processing of the expansion of the node

(see pp. 32, lines 3-4) comprises completing an enumeration (i.e., listing of items in the tree

structure, see Fig. 1, items 80-96) that includes sub-items that are to be inserted into the tree

view below the node (note sub-items are inserted below the node 90, see Fig. 1).

As to claim 7, Rush in view of Ryan teaches the limitation of claim 1 for the reasons as

discussed above.  Rush and Ryan further teach wherein a second icon overlay (i.e., another

progress indicator, see Ryan col. 6, lines 53-55.  It is noted that in today's multi-threaded GUI

environments, many operations such as displaying a second icon overlay for second icon

may potentially be running at any given time, see Ryan col. 6, lines 57-60) may be provided

over a second icon (another command button, see Ryan, col. 6, line 20-21) once an

associated second node (i.e., other computer functions such as when a button 22 is clicked,

see Ryan col. 6, lines 53-60 and lines 20-21) is selected (i.e., clicked, see Ryan col. 6, lines

20-21) for expansion (see Rush, pp. 32, line 3) by a user while the expansion of the first node

is still being process (i.e., while the command is executing, see Ryan col. 6, lines 55-57).

Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as

discussed in claim 1.

As to claim 9, Rush in view of Ryan teaches the limitation of claim 8 for the reasons as

discussed above.  Ryan teaches further comprising a timer component (i.e., the component

that runs the spinning clock hand 58, see col. 7, lines 49-56). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 8.

As to claim 10, Rush in view of Ryan teaches the limitation of claim 9 for the reasons as discussed above. Ryan teaches wherein the moving member (i.e., superimposed spinning clock hand 58, see col. 7, lines 49-56) is moved (i.e., the movement of clock hand, see Fig. 4, items 45-56) at selected intervals (predetermined interval, see col. 7, line 58) as controlled by the timing component (i.e., the component that runs the spinning clock hand 58, see col. 7, lines 49-56). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 8.

As to claim 11, Rush in view of Ryan teaches the limitation of claim 8 for the reasons as discussed above. Rush further teaches wherein the node (see pp. 4, lines 27-28) is represented as part of a tree view (a hierarchical tree structure of document and type nodes, see pp. 31, lines 2-3) on the display (i.e., navigation pane 20 which is defined as an area displayable on a computer screen, see pp. 8, lines 15-16 and pp. 31, lines 1-2).

As to claim 12, Rush in view of Ryan teaches the limitation of claim 11 for the reasons as discussed above. Rush teaches wherein when the node (i.e., node 90, see Fig. 1) is expanded (it is noted that '-' sign represents the expansion of a node, see Fig. 1, item 90), the representative icons of the sub-items (i.e., sub-document type node 81, see Fig. 1) for the node (see Fig. 1, item 81) are displayed in the tree view (i.e., tree view control 60, see Fig. 1) below the icon that is associated with the node (note sub-items are inserted below the node 90, see Fig. 1).

As to claim 14, Rush in view of Ryan teaches the limitation of claim 8 for the reasons as discussed above. Rush and Ryan further teach wherein if a user selects (i.e., clicked, see Ryan col. 6, lines 20-21) a second node (i.e., other computer functions such as when a button 22 is clicked, see Ryan col. 6, lines 53-60 and lines 20-21) to be expanded (see Rush, pp. 32, line 3) while the expansion of the first node is still being processed (i.e., while the command is executing, see Ryan col. 6, lines 55-57), the icon that is associated with the second node (another command button, see Ryan, col. 6, line 20-21) is overlaid (i.e., superimposed, see Ryan col. 7, line 54) with a second moving element (i.e., another spinning clock hand 58, see Ryan col. 7, lines 49-56) which provides an indication (i.e., progress indicator, see Ryan col. 6, lines 53-54) to the user that processing (i.e., executing, see Ryan col. 6, lines 56-57) for expansion of the second node (see Rush, pp. 32, line 3) is occurring at the same time that the processing of the expansion of the first node is continuing (It is noted that in today's multi-threaded GUI environments, many operations such as displaying a second icon overlay for second icon may potentially be running at any given time, see Ryan col. 6, lines 57-60). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 8.

As to claim 16, Rush in view of Ryan teaches the limitation of claim 15 for the reasons as discussed above. Ryan further teaches that wherein the icon overlay (i.e., the spinning clock hand 58, see col. 7, lines 49-56) is moved (i.e., the movement of clock hand, see Fig. 4, items 45-56) to the different positions (i.e., a plurality of different positions of clock hand, see Fig. 4, items 45-56) at selected time intervals (predetermined interval, see col. 7, line 58) as

controlled by a timer (i.e., the component that runs the spinning clock hand 58, see col. 7,

lines 49-56). Thus, combining Rush and Ryan would meet the claimed limitation for the

same reason as discussed in claim 15.

As to claim 19, Rush in view of Ryan teaches the limitation of claim 15 as previously

discussed with respect to claim 15 above. Rush further teaches wherein the user selects a

node to be expanded (see pp. 32, lines 3-4) by clicking on a plus-sign element ('+' sign

element, see pp. 32, line 4) that is associated with the icon of the node (i.e., '+' sign is

appearing to the left of the node, see pp. 32, lines 4-5).

As to claim 20, Rush in view of Ryan teaches the limitation of claim 15 for the reasons

as discussed above. Rush and Ryan further teach wherein if a user selects (i.e., clicked, see

Ryan col. 6, lines 20-21) a second node (i.e., other computer functions such as when a

button 22 is clicked, see Ryan col. 6, lines 53-60 and lines 20-21) for expansion (see Rush,

pp. 32, line 3) while the expansion of the first node is still being processed (i.e., while the

command is executing, see Ryan col. 6, lines 55-57), then a second icon overlay (i.e.,

another spinning clock hand 58, see Ryan col. 7, lines 49-56) is provided for the second icon

(another command button, see Ryan, col. 6, line 20-21. It is noted that in today's multi-

threaded GUI environments, many operations such as displaying a second icon overlay for

second icon may potentially be running at any given time, see Ryan col. 6, lines 57-60).

Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as

discussed in claim 15.

As to claim 22, Rush in view of Ryan teaches the limitation of claim 21 for the reasons as discussed above. Ryan further teaches that wherein the icon overlay (i.e., the spinning clock hand 58, see col. 7, lines 49-56) is moved (i.e., the movement of clock hand, see Fig. 4, items 45-56) between a plurality of positions (i.e., a plurality of different positions of clock hand appears to be in circle, see Fig. 4, items 45-56) at selected time intervals (predetermined interval, see col. 7, line 58). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 21.

As to claim 23, Rush in view of Ryan teaches the limitation of claim 21 for the reasons as discussed above. Ryan further teaches that wherein the selected time intervals (predetermined interval, see col. 7, line 58) are determined according to a timer (i.e., the component that runs the spinning clock hand 58, see col. 7, lines 49-56). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 21.

As to claim 24, Rush in view of Ryan teaches the limitation of claim 21 for the reasons as discussed above. Rush and Ryan further teach wherein if a user selects (i.e., clicked, see Ryan col. 6, lines 20-21) a second node (i.e., other computer functions such as when a button 22 is clicked, see Ryan col. 6, lines 53-60 and lines 20-21) to be expanded (see Rush, pp. 32, line 3), the second node (another command button, see Ryan, col. 6, line 20-21) is also provided with an icon overlay (i.e., another spinning clock hand 58, see Ryan col. 7, lines 49-56) while the expansion of the second node is being processed (i.e., while the command such as expansion of the second node is executing, see Ryan col. 6, lines 55-57; It

is noted that in today's multi-threaded GUI environments, many operations such as displaying a second icon overlay for second icon may potentially be running at any given time, see Ryan col. 6, lines 57-60). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 21.

As to claim 25, Rush in view of Ryan teaches the limitation of claim 21 for the reasons as discussed above. Furthermore, the limitation of claim 25 differs from the limitation of claim 4 only in that claim 25 an apparatus claim whereas, claim 4 is a method claim. Thus claim 25 is analyzed as previously discussed with respect to claim 4 above.

As to claim 27, Rush in view of Ryan teaches the limitation of claim 26 for the reasons as discussed above. Ryan teaches wherein the icon overlay (i.e., superimposed spinning clock hand 58, see col. 7, lines 49-56) is moved (i.e., the movement of clock hand, see Fig. 4, items 45-56) at selected intervals (predetermined interval, see col. 7, line 58). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 26.

As to claim 28, Rush in view of Ryan teaches the limitation of claim 27 for the reasons as discussed above. Ryan further teaches that wherein the selected intervals (predetermined interval, see col. 7, line 58) are determined by a timer (i.e., the component that runs the spinning clock hand 58, see col. 7, lines 49-56). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 27.

As to claim 29, Rush in view of Ryan teaches the limitation of claim 26 for the reasons as discussed above. Furthermore, the limitation of claim 29 differs from the limitation of claim 4 only in that claim 29 a system claim whereas, claim 4 is a method claim. Thus claim 29 is analyzed as previously discussed with respect to claim 4 above.

As to claim 30, Rush in view of Ryan teaches the limitation of claim 26 for the reasons as discussed above. Furthermore, the limitation of claim 30 differs from the limitation of claim 3 only in that claim 30 a system claim whereas, claim 3 is a method claim. Thus claim 30 is analyzed as previously discussed with respect to claim 3 above.

As to claim 32, Rush in view of Ryan teaches the limitation of claim 31 for the reasons as discussed above. Ryan further teaches that wherein the specified time intervals (predetermined interval, see col. 7, line 58) are determined according to a timer (i.e., the component that runs the spinning clock hand 58, see col. 7, lines 49-56). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 31.

As to claim 33, Rush in view of Ryan teaches the limitation of claim 31 for the reasons as discussed above. Ryan further teaches that wherein the processing indicator (i.e., progress indicator 45-56, see col. 7, line 52) comprises an icon overlay (i.e., an animated spinning clock hand 58, see col. 7, lines 54-56). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 31.

As to claim 34, Rush in view of Ryan teaches the limitation of claim 31 for the reasons as discussed above. Furthermore, the limitation of claim 34 differs from the limitation of claim 4 only in that claim 34 a system claim whereas, claim 4 is a method claim. Thus claim 34 is analyzed as previously discussed with respect to claim 4 above.

As to claim 35, Rush in view of Ryan teaches the limitation of claim 34 for the reasons as discussed above. Rush teaches wherein the expansion (see pp. 32, lines 3) of the node (i.e., node 90, see Fig. 1) comprises displaying sub-items of the node (i.e., sub-document type node 81, see Fig. 1) in the tree view (i.e., tree view control 60, see Fig. 1) below the node (note sub-items are inserted below the node 90, see Fig. 1).

As to claim 36, Rush in view of Ryan teaches the limitation of claim 31 for the reasons as discussed above. Rush and Ryan further teach wherein a second processing indicator (i.e., another spinning clock hand 58, see Ryan col. 7, lines 49-56) may be provided to indicate that the expansion (see Rush, pp. 32, line 3) of a second selected node is being processed (it is noted that in today's multi-threaded GUI environments, many operations such as displaying a second icon overlay for second selected icon – i.e., node - may potentially be running at any given time, see Ryan col. 6, lines 57-60). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 31.

As to claim 38, Rush in view of Ryan teaches the limitation of claim 37 for the reasons as discussed above. Furthermore, the limitation of claim 38 differs from the limitation of claim 33 only in that claim 38 an apparatus claim whereas, claim 33 is a system claim. Thus claim 38 is analyzed as previously discussed with respect to claim 33 above.

As to claim 40, Rush in view of Ryan teaches the limitation of claim 38 for the reasons as discussed above. Furthermore, the limitation of claim 40 differs from the limitation of claim 4 only in that claim 40 an apparatus claim whereas, claim 4 is a method claim. Thus claim 40 is analyzed as previously discussed with respect to claim 4 above.

As to claim 41, Rush in view of Ryan teaches the limitation of claim 40 for the reasons as discussed above. Rush teaches wherein the expansion (see pp. 32, lines 3) of the node (i.e., node 90, see Fig. 1) comprises displaying sub-items of the node (i.e., sub-document type node 81, see Fig. 1) in the tree view (i.e., tree view control 60, see Fig. 1).

As to claim 42, Rush in view of Ryan teaches the limitation of claim 41 for the reasons as discussed above. Rush and Ryan further teach wherein multiple nodes may be selected by a user to be expanded (it is noted that by using the 'Expand' option, multiple of nodes or documents can be expanded, see Rush pp. 32, lines 3-9), and an icon overlay (i.e., spinning clock hand 58, see Ryan col. 7, lines 49-56) is provided for each of the selected nodes (each document instance node, see Rush pp. 65, lines 11-12) while each of their respective expansions are being processed (it is noted that as a node is selected, a progress indicator is displayed to inform the user of the state of a node, see Rush pp. 31, lines 9-10). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 41.

As to claim 43, Rush in view of Ryan teaches the limitation of claim 42 for the reasons as discussed above. Rush and Ryan further teach wherein once the processing is completed

for the expansion of a node, the sub-items of the node will be inserted into the tree view (note

sub-items are inserted below the node 90, see Rush Fig. 1) while the remaining nodes for

which processing continues will continue to have their respective icon overlays (It is noted

that the progress indicator is linked with a specific command and that in today's GUI

environment, many operations can be running concurrently, see Ryan, col. 6, lines 35-44).

Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as

discussed in claim 42.


5.      Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rush

in view of Ryan, further in view of Cowart at el. (book title 'Special Edition Using Microsoft

Window XP Professional', chapter 4, section 'Displaying the Contents of Your Computer',

hereinafter Cowart).

As to claim 6, Rush in view of Ryan teaches the limitation of claim 1 as previously

discussed with respect to claim 1 above.

Rush further teaches wherein the node (see Fig. 1, item 81) may represent an element

(i.e., 'Sales Order Items', see Fig. 1, item 81) such as a folder (i.e., open folder icon, see Fig.

1, item 81). Rush does not teach that a computer, or a network domain could be included as

parts of the tree view structure.

Ryan teaches wherein the node (i.e., button, see col. 4, lines 62-64) may represent a

computer, or a network domain (note that the progress indicator can be implemented on any

GUI including Microsoft Windows, see col. 4, lines 62-64 and col. 1, line 28; It is evidently

shown that Microsoft Windows Explorer represents elements including a computer, a network

domain, see Cowart Fig. 4.12 where it says 'My Computer' and 'My Network Places'). Thus, combining Rush and Ryan would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 13, Rush in view of Ryan teaches the limitation of claim 8 as previously discussed with respect to claim 8 above. Furthermore, the limitation of claim 13 differs from the limitation of claim 6 only in that claim 13 a system claim whereas, claim 6 is a method claim. Thus claim 13 is analyzed as previously discussed with respect to claim 6 above.

6.      Claims 17-18 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rush in view of Ryan, further in view of Crawford, Sharon (book title 'Windows 2000 Pro: The Missing Manual', chapter 3, section 'Searching for People', hereinafter Crawford).

As to claim 17, Rush in view of Ryan teaches the limitation of claim 15 as previously discussed with respect to claim 15 above. Rush and Ryan do not teach that the icon overlay is a magnifying glass icon.

Crawford teaches wherein the icon overlay is in the form of a magnifying glass (e.g., the magnifying icon is overlaid on top of a book icon, see Fig. 3-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the feature of moving the magnifying glass over a book icon as taught by Crawford to the method of organizing information using a hierarchical tree structure as taught by Rush in view of Ryan to indicate that the progress of a command is occurring (see Crawford Fig. 3-12 and Fig. 3-13)

As to claim 18, Rush in view of Ryan further in view of Crawford teaches the limitation

of claim 17 as previously discussed with respect to claim 17 above. Crawford further teaches

that wherein the magnifying glass icon overlay (e.g., the magnifying icon is overlaid on top of

a book icon, see Fig. 3-12) is moved between three positions (it is noted that the magnifying

icon is in three different positions as it is moving while waiting for the search result to come

back, see Fig. 3-12, Fig. 3-13 top, and Fig. 3-13 bottom) as controlled by a timer (the

program that controls the movement of the magnifying icon, see Fig. 3-12 – Fig. 3-13). Thus

combining Rush, Ryan and Crawford would meet the claimed limitation for the same reason

as discussed in claim 17.

As to claim 39, Rush in view of Ryan teaches the limitation of claim 37 for the reasons

as discussed above. Furthermore, the limitation of claim 39 differs from the limitation of claim

17 only in that claim 39 an apparatus claim whereas, claim 17 is a method claim. Thus claim

39 is analyzed as previously discussed with respect to claim 17 above.

## *Conclusion*

7.     The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Publication No. US 2003/0214538 A1 recites a method an apparatus for graphically

connecting a plurality of matching elements within a tree view display.

Patent No. 5,301,348 recites that dynamically changes to mark the progress of a task.

Publication No. US 2002/0122077 A1 recites a method and apparatus for displaying

the progress of a hierarchically structurable group of tasks.

## *Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyetlien T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh D. Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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*7/18/06*

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